

CITY COUNCIL MEETING

Tuesday, November 24, 2009

Grimes City Hall 5:30 P.M.

The regular meeting of the Grimes City Council was called to order by Mayor Tom Armstrong on Tuesday, November 24, 2009 at 5:30 P.M. at the Grimes City Hall.

Roll Call: Present: Evans, Grove, Patterson, Altringer, Grove, Long

GENERAL AGENDA ITEMS.

APPROVAL OF THE AGENDA

Moved by Long, Seconded by Patterson; the agenda shall be approved with the removal of Agenda Item FF, the Employment Contract for the City Administrator due to her absence from the meeting.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0.

APPROVAL OF CONSENT AGENDA

A. Minutes from the November 10, 2009, B. Change Order No. 2 to A & W Electrical Contractors for the East 1st Street, Roadway Lighting Improvements decreasing the contract by \$1,100, C. Pay Estimate No. 3 to A & W Electrical Contractors for the E 1st Street Lighting Project in the Amount of \$11,875.00, D. Certificate of Substantial Completion for the E 1st Street Lighting Project, E. Engineer's Statement of Final Completion for East 1st Street Lighting Project, F. Pay Estimate No. 4 to A & W Electrical Contractors for the E 1st Street Lighting Project in the Amount of \$8,050 (retainage) to be paid in 30 days, G. Pay Request No. 11 to Concrete Technologies, Inc. for the East 1st Street Paving Project in the amount of \$45,632.91, H. Change Order No. 13 to Concrete Technologies, Inc. for the East 1st Street Paving Project decreasing \$7,756.75, I. Certificate of Substantial Completion for the E 1st Street Paving Project J. Engineer's State of Completion for the East 1st Street Paving Project, K. Pay Request No. 12 to Concrete Technologies, Inc. for the East 1st Street Paving Project in the amount \$2,159.48 (retainage to be paid in 30 days) L. Iowa Department of Transportation Agreement 2020-R-011 Revitalize Iowa's Sound Economy Program (RISE) Project M. Renew Keagan's Korner Alcohol License Class C Liquor License, N. Approval to Move Forward with the Rezoning of Glenstone Trail Plat 7 from R2-70 And R3 to R2-60 and setting Public Hearing for Planning and Zoning for December 1, 2009 and Council Meeting for December 8, 2009 at 5:30 p.m. O. Build America Bond Agreement, P. Build America Bond Fee Schedule, Q. Pay Request 2 to Central Iowa Mechanical Company for the Grimes Community Complex HVAC Renovation in the amount of \$252,859.60 R. Pay Application No. 6 to Reilly Construction in the amount of \$210,322.58 for South James Street Widening Paving Project-S. Payment to Bob Cooper in the amount of \$3,290 for trees in ROW for South James Street Paving Project, T. Payment for Easement to the Caymus Group in the amount of \$8,945 for easement for the NE Edgewood Water Main Extension Project.U. Payment for Easement to Douglas and Kathryn Thieleke in the amount of \$22,126 for NE Edgewood Water Main Extension Project. V. Pay Application No. 2 to Grimes Asphalt & Paving for the SE 37th

Street Paving Improvement in the amount of \$34,514.68, W. Change Order No. 2 to Grimes Asphalt & Paving for the SE 37th Street Paving Improvement decreasing -\$8,250 X. Certificate of Substantial Completion for the SE 37th Street Paving Project Y. Engr. Statement of Final Completion for SE 37th Street Project Z. Final Pay Request No. 3 for SE 37th Street to Grimes Asphalt in the amount of \$17,264.91 (retainage) to be paid in 30 days AA. Council Discussion on Adopting Flat Fee for Building Permits for Single Home New Constructions- BB. Council Discussion on Removing Requirement for Bonding for Electrical Contractors Doing Work in the City of Grimes and Accepting State Licensing/Remove Chapter 124 CC. Council Discussion on Removing Requirement for Bonding for Plumbing Contractors doing work in the City of Grimes and Accepting State Licensing-Remove Chapter 124 DD. Enroll in Income Offset Program EE. Tax Increment Financing (TIF) Indebtedness Certification to County Auditor FF. Employment Contract between the City of Grimes and Kelley Brown as City Administrator for the term 2010-2012, GG. Resolution No. 11-0909 Setting Date for a Public Hearing on General Obligation Economic Development Loan Agreement in a Principal Amount Not To Exceed \$350,000 HH. Work Change Directive No. 1 in the amount of \$500 for the NE Edgewood Dr. and SE Grimes Blvd. Water Main Extension II. Water Utility Account Correction. JJ. Claims dated November 24, 2009 in the amount of \$1,019,439.92.

Moved by Long, Seconded by Patterson; the consent agenda shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0.

FIRE CHIEF REPORT

Fire Chief Krohse had nothing new to report.

PEOPLESERVICE REPORT

Mark Devine of PeopleService was present to update the Council. Devine stated that the water standpipe has now been filled and the first of two water samplings has been completed. He stated that the second water sample should be back from testing tomorrow. Devine stated that if may be possible to have the standpipe online by Thanksgiving. Devine also stated that the old water treatment building is being used for storage and the exterior has been painted to go along with the downtown color scheme. He also advised that the old water salesman equipment has been removed. Devine advised that ice skating ring at the Sports Complex has had a plug placed in the drain to collect rain water for the skating ring. He also stated they were continuing fire hydrant testing and that the leak at S Main and S 6th had been fixed.

PUBLIC AGENDA ITEMS AND COUNCIL ACTIONS

A. Resolution No. 11-0309 Accepting Work Covering the SE 37th Street Patching & Overlay Assessment Project

Moved by Grove, Seconded by Altringer; Resolution No. 11-0309 Accepting Work Covering the SE 37th Street Patching and Overlay Assessment Project shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0.

B. Resolution No. 11-0409 Adopting the Final Assessment Schedule for the SE 37th Street Patch & Overlay Project and Mending, Confirming and Levying the Assessments

City Engineer John Gade reviewed the SE 37th Street Project with the Council. He advised that this assessment project was a 3 ½ inch HMA Overlay, patching and the addition of 4 foot gravel shoulders. The project also included the improvement by the railroad of approaches on this roadway. Gade stated that Council had approved to do this project as an assessment project that would include the property owners ¼ to the north and ½ mile to the south which included about 194 acres at a total length of 2140 feet. Gade stated that the assessment figure was arrived at according to two factors. One was the frontage factor, with 15% of the project according to frontage and the remaining 85% split up among the area of the whole assessment district. This broke down with 4% being assessed to the City for general benefit and then an additional 20% as the City is going to cover the cost for the railroad reconstruction. The remaining 69% will be spread among the property owners as special benefit. Gade stated that the preliminary assessment cost was \$625,000 and the final came in at \$536,000 which is about 15% less than the preliminary estimate. Gade stated that he was asking the Council to adopt the assessment schedule which did not include any changes in the property values. The unpaid assessments would be spread over 10 years at a rate of 4.89%. Council Member Patterson asked what the life expectancy of this road would be. Gade stated that originally the engineering estimate was 2 ½ years. Gade stated that he is now hoping for a longer time frame as it was found that the sub grade was in better condition than expected.

Moved by Long Seconded by Patterson; Resolution No. 11-0409 Adopting the Final Assessment Schedule for the SE 37th Street Patch and Overlay Project and Mending, Confirming and Levying the Assessments shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0.

C. Resolution No. 11-0809 Accepting Work Covering the East 1st Street Assessment Paving Project

City Engineer John Gade advised that this project is ready to be accepted and this project and along with the SE 37th Street project would have a warranty for one year on the landscaping and seeding.

Moved by Patterson, Seconded by Grove; Resolution No. 11-0809 Accepting Work Covering the East 1st Street Assessment Paving Project, shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0.

D. Resolution No. 11-0709 Adopting Final Assessment Schedule for the East 1st Street Paving and Amending, Confirming and Levying the Assessment

City Engineer John Gade provided an overview of the project to the Council. He stated that this was an improvement of 2080 feet of 9 1/2 inch of PCC with 4 lanes with dedicated turn lanes, curb and gutter and a bike path. The project also including lighting, traffic signals and landscaping. Gade stated that the assessment area was 2080 feet. The assessments were based on frontage at 50% and area at 50%. He advised that 20% of the project went to the City as general benefit, 40% to the north side of the project and 40% to the south side of the project. Gade advised that the preliminary cost on this project was \$2,078,000 with the final coming it at \$1,859,000. He stated that this was 11% below the preliminary assessment. Gade advised that property values have not changed and that these unpaid assessments would be spread over 10 years at an interest rate of 4.89%. Council Member Long asked how the City portion of 20% was figured. City Engineer Gade stated that the Council had decided in the beginning of the project that this roadway was a main aerial road and that the City should be responsible for 20% of the cost. Gade stated that through a Development Agreement Knapp Properties will be paying the assessments for the YMCA and Walmart Properties. The properties on the north side will be agricultural deferred. City Attorney Sinnard reminded the Council there was a Development

Agreement with Ruhl and Ruhl for parcel No. 4. Gade stated that as part of this agreement the City took \$50,000 out of their assessment and the City will pay this portion. When Ruhl and Ruhl have access from this area they will pay this money back to the City.

Moved by Grove, Seconded by Patterson; Resolution No. 11-0709 Adopting Final Assessment Schedule for the East 1st Street Paving and Amending, Confirming and Levying the Assessment shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0.

E. Resolution No. 11-0609 Notice of Intent for City of Grimes to Withdraw from DART

Mayor Armstrong advised that this was a touchy issue for him as he believes in the regional idea of working together and would like to work from the inside and not the outside on this issue. Mayor Armstrong asked that a letter from Angela Connolly, the DART Commission Chair be handed out to each of the Council. Mayor Armstrong advised that he had contacted Connolly today and advised her that this issue would be addressed at the Council meeting but that she along with the Director of DART were unavailable to be at the Council meeting. Council Member Evans asked if DART had been made aware of the council meeting and Mayor Armstrong advised that they had. Mayor Armstrong stated that he had advised our Commissioner last Thursday that this item would be on the agenda and asked that this information be passed along. Mayor Armstrong advised that Connolly stated that she was unaware that this item was to be on the agenda and was unable to attend. Council Member Evans stated that this has been a concern in the past that DART has not been responsive to our requests. Council Member Altringer reviewed the letter from Connolly which stated a request of the Council to reconsider this hasty action. Council Member Altringer stated that the Council had been discussing this action since last January. Council Member Altringer also advised that the letter stated that DART has worked hard to improve the services to Grimes and that the Council had asked for a plan and had not received one to date. Council Member Altringer stated that the letter also stated that DART had worked hard to improve regional communication and that it took five emails along with the City Attorney to get a reply from DART this last fall. Council Member Evans stated that she agreed with the Mayor on being part of regional programs but did not feel that we were getting more service for the increased cost. Council Member Altringer stated that the letter before them was not the letter that she had reviewed. City Attorney Sinnard stated that there were two options. Council Member Altringer asked that the Council approve option #2 which would be to advise the City when this discussion would appear on the DART agenda. Council Member Patterson advised the citizens of Grimes that this is not an anti-regional move and that he wanted the relationship with DART to work. Council Member Patterson went to stated that the City of Grimes has one good representative on the board who also represents Johnston, Ankeny, Polk City, and Grimes, which is a huge area. Council Member Patterson feels that with one person representing such a large area, the point gets diluted. He felt that all suburbs need a voice at the table. Council Member Patterson stated that the tax taking had gone up 4 times the original amount. He stated that he felt that this would send the right message that we are not pulling out right now but that we need to come to the table to find out what additional services will come to the citizens of Grimes. Council Member Evans stated again that what they are asking from DART is what is their plan for Grimes. Council Member Altringer stated that what we have been given is what the increase in the rate is going to be and not the services and she finds that to be a flawed business plan. Mayor Armstrong asked Council Member Altringer again what the difference is in the wording. Council Member Altringer stated that she is requested that we send a letter stating that we wish to withdraw from DART but would like to receive notice when this will be on their agenda so that we may be present. City Attorney Sinnard stated that this would not change the Resolution before the Council.

Moved by Altringer, Seconded by Patterson; Resolution No. 11-0609 Notice of Intent for City of Grimes to Withdraw from DART with language to include Option #2 shall be approved. Council Member Long stated he was also concerned about the cost to the citizens for the service we were receiving.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0.

A. PUBLIC FORUM

No one requested to address the Council.

COUNCIL DISCUSSIONS.

1. Mayor's Report

Mayor Armstrong reminded the Council that at the next meeting the new Council Members along with himself would be sworn in.

2. City Attorney's Report

City Attorney Sinnard had nothing new to report.

3. City Engineer's Report

City Engineer Gade stated that the Kennybrook Trail is substantially completed along with the Cemetery Trail Project. He advised that he understood that the tie in to Urbandale on S James has been completed and will open soon. Gade stated that he understood there were some signs that still need to be placed along with some questions regarding the speed limit in this area.

4. City Staff Report

There was no staff report

5. Old Business+

6. New Business

Council Member Long advised that the newspaper had done a story on Banker's Trust who was making available low cost loans for work being done in the Governor's District. Council Member Long stated that the present City Council along with Keith Snow and Brian Buethe of the Chamber had helped move this area along. Council Member Patterson stated that the City has been very supportive in allowing business owners in 200 block to use Tax Increment Financing.

ADJOURNMENT

Moved by Long, Seconded by Altringer; there being no further business, the meeting is adjourned at 6:10 p.m.

ATTEST:

Rochelle Williams, City Clerk

Tom Armstrong, Mayor